

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT

LENTO LAW GROUP, P.C.,

Plaintiff,

V

LADEL LEWIS, LINDA ANN POHLY,
FLORENDA LEE-HALL a/k/a
RENNIE LEE, JOYCE ANN WILSON,
VEDA DIANE BALLA,

Defendants.

Civil Case No.: 2:24-cv-10031
District Judge George Caram Steeh
Magistrate Judge Kimberly G. Altman

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**DEFENDANT VEDA DIANE BELLA'S ANSWER TO PLAINTIFF'S
COMPLAINT, AFFIRMATIVE DEFENSES
AND RELIANCE ON JURY DEMAND**

NOW COMES the Defendant, VEDA DIANE BALLA, by and through her attorneys, *Kitch Attorneys & Counselors, PC*, and for her Answer to Plaintiff's Complaint states as follows:

1. In answer to the allegation in Paragraph 1, Defendant Balla, is without sufficient information or knowledge to respond to Plaintiff's proofs and therefore

neither admits nor denies. Defendant Balla denies that any damages are in excess of \$75,000.00 in this matter.

2. Answering the allegations contained in Paragraph 2, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

3. Answering the allegations contained in Paragraph 3, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

4. Answering the allegations contained in Paragraph 4, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

5. Answering the allegations contained in Paragraph 5, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

6. Answering the allegations contained in Paragraph 6, Defendant Balla admits same.

7. Answering the allegations contained in Paragraph 7, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

8. Answering the allegations contained in Paragraph 8, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

9. Answering the allegations contained in Paragraph 9, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

10. Defendant herein incorporates by reference its answers to the allegations contained in the previous paragraphs as if set forth at length herein.

11. Answering the allegations contained in Paragraph 11, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

12. Answering the allegations contained in Paragraph 12, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

13. Answering the allegations contained in Paragraph 13, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

14. Answering the allegations contained in Paragraph 14, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, denies as untrue.

15. Answering the allegations contained in Paragraph 15, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, denies as untrue.

16. Answering the allegations contained in Paragraph 16, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

17. Answering the allegations contained in Paragraph 17, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

18. Answering the allegations contained in Paragraph 18, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

19. Answering the allegations contained in Paragraph 19, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

20. Answering the allegations contained in Paragraph 20, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

21. Answering the allegations contained in Paragraph 21, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

22. Answering the allegations contained in Paragraph 22, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

23. Answering the allegations contained in Paragraph 23, Defendant Balla denies same for the reason that they are untrue.

24. Answering the allegations contained in Paragraph 24, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

25. Answering the allegations contained in Paragraph 25, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

26. Answering the allegations contained in Paragraph 26, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

27. Answering the allegations contained in Paragraph 27, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

28. Answering the allegations contained in Paragraph 28, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

29. Answering the allegations contained in Paragraph 29, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

30. Answering the allegations contained in Paragraph 30, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

31. Answering the allegations contained in Paragraph 31, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

32. Defendant Balla admits only that she made the Facebook post, without any mal-intent.

33. Answering the allegations contained in Paragraph 33, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

34. Answering the allegations contained in Paragraph 34, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

35. Answering the allegations contained in Paragraph 35, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

36. Answering the allegations contained in Paragraph 36, Defendant Balla denies same for the reason that they are untrue.

37. Answering the allegations contained in Paragraph 37, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

38. Defendant herein incorporates by reference its answers to the allegations contained in the previous paragraphs as if set forth at length herein.

39. To the extent these allegations are made against Defendant Balla, Defendant Balla denies as untrue. To the extent these allegations are made against any other Defendants, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

40. Answering the allegations contained in Paragraph 40, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

41. Answering the allegations contained in Paragraph 41, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

42. Answering the allegations contained in Paragraph 42, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

43. Answering the allegations contained in Paragraph 43, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

44. Answering the allegations contained in Paragraph 44, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

45. Answering the allegations contained in Paragraph 45, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

46. Answering the allegations contained in Paragraph 46, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, denies as untrue.

47. To the extent these allegations are made against Defendant Balla, Defendant Balla denies as untrue. To the extent these allegations are made against

any other Defendants, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

48. To the extent these allegations are made against Defendant Balla, Defendant Balla denies as untrue. To the extent these allegations are made against any other Defendants, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

49. Defendant herein incorporates by reference its answers to the allegations contained in the previous paragraphs as if set forth at length herein.

50. Answering the allegations contained in Paragraph 50, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, denies as untrue.

51. Answering the allegations contained in Paragraph 51, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

52. Answering the allegations contained in Paragraph 52, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

53. Answering the allegations contained in Paragraph 53, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

54. Answering the allegations contained in Paragraph 54, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

55. Answering the allegations contained in Paragraph 55, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

56. Answering the allegations contained in Paragraph 56, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

57. Answering the allegations contained in Paragraph 57, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

58. Answering the allegations contained in Paragraph 58, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

59. Answering the allegations contained in Paragraph 59, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

60. Answering the allegations contained in Paragraph 60, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

61. Answering the allegations contained in Paragraph 61, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

62. Answering the allegations contained in Paragraph 62, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

63. To the extent these allegations are made against Defendant Balla, Defendant Balla denies as untrue. To the extent these allegations are made against any other Defendants, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

64. To the extent these allegations are made against Defendant Balla, Defendant Balla denies as untrue. To the extent these allegations are made against any other Defendants, Defendant Balla is without sufficient information or

knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

65. Defendant herein incorporates by reference its answers to the allegations contained in the previous paragraphs as if set forth at length herein.

66. Answering the allegations contained in Paragraph 66, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

67. Answering the allegations contained in Paragraph 67, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

68. Answering the allegations contained in Paragraph 68, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

69. Answering the allegations contained in Paragraph 69, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

70. Answering the allegations contained in Paragraph 70, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

71. Answering the allegations contained in Paragraph 71, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

72. To the extent these allegations are made against Defendant Balla, Defendant Balla denies as untrue. To the extent these allegations are made against any other Defendants, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

73. Defendant herein incorporates by reference its answers to the allegations contained in the previous paragraphs as if set forth at length herein.

74. Answering the allegations contained in Paragraph 74, Defendant Balla denies same for the reason that they are untrue.

75. With respect to the allegations in Paragraph 75, this is not even a complete grammatical sentence, leaving Defendant Balla unable to properly answer. To the extent Plaintiff is claiming that Defendant Balla “specifically referred to the Plaintiff law firm”, this is denied as untrue. Defendant Balla admits she made the Facebook post, but denies that any defamatory comments were made.

76. Answering the allegations contained in Paragraph 76, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, denies as untrue.

77. Answering the allegations contained in Paragraph 77, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

78. Answering the allegations contained in Paragraph 78, Defendant Balla denies same for the reason that they are untrue.

79. Answering the allegations contained in Paragraph 79, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

80. Answering the allegations contained in Paragraph 80, Defendant Balla denies same for the reason that they are untrue.

81. Answering the allegations contained in Paragraph 81, Defendant Balla denies same for the reason that they are untrue.

82. Answering the allegations contained in Paragraph 82, Defendant Balla denies same for the reason that they are untrue.

83. Defendant herein incorporates by reference its answers to the allegations contained in the previous paragraphs as if set forth at length herein.

84. Answering the allegations contained in Paragraph 84, Defendant Balla denies same for the reason that they are untrue.

85. Answering the allegations contained in Paragraph 85, Defendant Balla denies same for the reason that they are untrue.

86. Answering the allegations contained in Paragraph 86, Defendant Balla denies same for the reason that they are untrue.

87. Answering the allegations contained in Paragraph 87, Defendant Balla denies same for the reason that they are untrue.

88. Defendant herein incorporates by reference its answers to the allegations contained in the previous paragraphs as if set forth at length herein.

89. Answering the allegations contained in Paragraph 89, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

90. Answering the allegations contained in Paragraph 90, Defendant Balla is without sufficient information or knowledge upon which to premise a belief as to the truth of the matter asserted therein and therefore, leaves Plaintiff to its proofs.

91. Answering the allegations contained in Paragraph 91, Defendant Balla denies same for the reason that they are untrue.

92. Answering the allegations contained in Paragraph 92, Defendant Balla denies same for the reason that they are untrue.

93. Answering the allegations contained in Paragraph 93, Defendant Balla denies same for the reason that they are untrue.

94. Answering the allegations contained in Paragraph 94, Defendant Balla denies same for the reason that they are untrue.

WHEREFORE, Defendant VEDA DIANE BALLA respectfully requests that this Honorable Court dismiss the cause of Action and award Defendant costs and attorney fees for wrongfully having to defend against same.

Respectfully submitted,

KITCH ATTORNEYS & COUNSELORS,
PC

By: /s/ Timothy P. Brady
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Paul Wilk Jr. (P83691)
Attorneys for Defendant Balla
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(313) 965-7848

Dated: March 5, 2024

DEFENDANT VEDA DIANE BALLA'S
AFFIRMATIVE DEFENSES

NOW COMES, Defendant, VEDA DIANE BALLA, by and through her attorneys, *Kitch Attorneys & Counselors, PC*, and for her Affirmative Defenses to Plaintiff's Complaint, states as follows:

1. Plaintiff fails to state claims upon which relief can be granted.
2. The alleged false and defamatory statements alleged in the Complaint do not constitute defamation per se.
3. The statements attributed to Defendant Balla are statements of opinion and are not intended nor perceived to be based upon fact.

4. The statements which Plaintiff attributes to Defendant Balla are subject to a qualified privilege.

5. Plaintiff has failed to mitigate its damages.

6. The statements that have been alleged to be attributed to Defendant Balla are mere rhetorical hyperbole.

7. Plaintiff's claims are barred by the Doctrine of Laches.

8. Defendant Balla's alleged statements are protected by the privilege of fair comment on matters of public interest and as such are privileged.

9. All acts which Plaintiff claims constitutes interference with prospective business advantage are legally privileged.

10. Defendant Balla's conduct was not the cause of any alleged damages incurred by Plaintiff.

11. Plaintiff caused and/or contributed to the damages alleged in the Complaint.

12. Some or all of Plaintiff's claims for defamation attributed to Defendant Balla are barred as the statements are true/substantially true.

13. Defendant Balla has no knowledge of any alleged prospective business expectancy of Plaintiff herein and had no intention by her statements to interfere with said alleged prospective business expectancy.

14. Defendant Balla has no knowledge that her alleged statement was certain/substantially certain to interfere with any prospective business expectancy of Plaintiff herein.

15. Plaintiff did not have a legitimate business expectation of future economic benefit from any person or entity at the time of the alleged claimed interference.

16. Plaintiff did not experience any disruption or termination of any business relationship or business expectancy at the time of the alleged interference.

17. Damages for embarrassment, humiliation, mental pain and suffering are not available under the false light theory of liability.

18. Plaintiff had no expectation of privacy regarding its public business.

19. Plaintiff's alleged damages are based on speculation and conjecture and are not recoverable.

20. Plaintiff's claims are barred by Plaintiff's failure to notify Defendant and demand a retraction pursuant to the procedures under MCLA 600.2911(2)(b).

21. Defendant reserves the right to or amend her affirmative defenses as they become known through the course of discovery and up until the time of trial.

Respectfully submitted,

KITCH ATTORNEYS & COUNSELORS,
PC

By: /s/ Timothy P. Brady
Timothy P. Brady (P67959)
Paul Wilk Jr. (P83691)
Attorneys for Defendant Balla
One Woodward Avenue, Suite 2400
Detroit, MI 48226-5485
(313) 965-7848

Dated: March 5, 2024

CERTIFICATE OF SERVICE

I hereby certify that on 3/5/2024, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to counsel of record.

s/Timothy P. Brady
TIMOTHY P. BRADY (P67959)
KITCH ATTORNEYS & COUNSELORS, PC